

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

William Cornell, et al.,                     :  
                    Plaintiffs,                     :  
                    v.                     :       Case No. 2:15-cv-2713  
   :  
Zanesville Housing Development             Magistrate Judge Kemp  
Corporation, et al.,                     :  
                    Defendants.                     :

ORDER

On September 21, 2015, Defendant Zanesville Metropolitan Housing Authority filed a motion to dismiss the punitive and treble damage claim against it, and also for dismissal or a more definite statement. In response, Plaintiffs moved for leave to file an amended complaint.

Under the circumstances present in this case, Plaintiffs had the right to amend their complaint as a matter of course. See Fed.R.Civ.P. 15(a)(1)(B):

(1) Amending as a Matter of Course. A party may amend its pleading once as a matter of course within:

\*\*\*

(B) if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.

That being so, the Court denies the motion to dismiss (Doc. 5) as moot. The Court notes that ZMHA has already filed an answer to the amended complaint. See Doc. 14. To keep the record

straight, the Court directs the Clerk to detach and file the First Amended Complaint attached to Doc. 9. ZMHA need not re-file its answer, however.

/s/ Terence P. Kemp  
United States Magistrate Judge